

COTTONWOOD HEIGHTS

RESOLUTION 2012-05

A RESOLUTION REMANDING THE PROPOSED C-R-D ZONE TEXT AMENDMENT TO THE PLANNING COMMISSION

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

WHEREAS, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (“*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for City and codifying such ordinance as Title 19 (“*Title 19*”) of City’s code of ordinances (the “*Code*”); and

WHEREAS, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for City (the “*Zoning Map*”); and

WHEREAS, in a public “business meeting” (the “*Business Meeting*”) on 1 February 2012, City’s planning commission (the “*Planning Commission*”) recommended that the Council approve and adopt a City-initiated text amendment to City’s land use ordinance, whereby Title 19 would be amended to include new chapter 19.32 entitled “C-R-D--Canyon Residential Development Zone” (the “*CRD Zone*”); and

WHEREAS, a concern was raised that the Planning Commission’s discussion of the CRD Zone in a work meeting (the “*Work Meeting*”) that immediately preceded the Business Meeting violated Utah’s Open and Public Meetings Act, UTAH CODE ANN. §52-4-101 *et seq.* (the “*Open Meetings Act*”), because the published agenda for the Work Meeting did not specify such discussion; and

WHEREAS, while the City does not necessarily agree that the expressed concern is valid, the City desires to avoid any actual or perceived non-compliance with the Open Meetings Act or any other legal requirements; and

WHEREAS, consequently, on 14 February 2012, the Council met in regular meeting to consider, among other things, remanding the CRD Zone to the Planning Commission for re-recommendation in full compliance with the Open Meetings Act; and

WHEREAS, after careful consideration of the situation and the expressed concern, and being otherwise fully advised in the premises, the Council has determined that it is in the best

interest of the health, safety and welfare of the citizens of the City to remand the CRD Zone to the Planning Commission for re-recommendation in full compliance with the Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Cottonwood Heights that the CRD Zone is hereby remanded to the Planning Commission for re-recommendation in full compliance with the Open Meetings Act.

This Resolution, assigned no. 2012-05, shall take effect immediately upon passage.

PASSED AND APPROVED effective 14 February 2012.

COTTONWOOD HEIGHTS CITY COUNCIL




Linda W. Dunlavy, Recorder

By


Kelvyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 14th day of February 2012.

RECORDED this 14 day of February 2012.

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